

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

SAYKHONE PHONEPRASITH,

Petitioner,

-vs-

Case No. 13-C-1412

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

DECISION AND ORDER

In this action, Saykhone Phoneprasith complains that an immigration detainer renders him ineligible to participate in the Bureau of Prisons' Residential Drug Abuse Program. Magistrate Judge Patricia Gorence previously construed this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2241; *see, e.g., Wilson v. Kastner*, 385 Fed. App'x 855, 856 n.2 (10th Cir. July 8, 2010). Such an action should be directed to Phoneprasith's immediate custodian, that being the Warden of FCI Greenville, located in the Southern District of Illinois. *Kholavskiy v. Achim*, 443 F.3d 946, 949 n.2 (7th Cir. 2006). Therefore, the Court lacks jurisdiction to entertain the instant motion. § 2241(a) (district court may issue a writ only "within [its] respective jurisdiction").

This matter is **DISMISSED** for lack of jurisdiction.

Dated at Milwaukee, Wisconsin, this 14th day of October, 2014.

BY THE COURT:



HON. RUDOLPH T. RANDA
U.S. District Judge